

First, in making the 103 rejection, the Office Action asserted correctly that, “‘Partition’ by definition is merely ‘an interior dividing wall.’” In making the rejection of claims 1-6, 14-18, 20-22, and 31 under 35 U.S.C. 102(b), however, the Office Action considered an item 14 in Foley 3,048,360 to meet the term “partition,” where item 14 is a ceiling. The matter may be one of the appearance of the drawings of Foley. Foley’s Fig. 2 is as follows, and if this figure is not observed to be an elevation view, it might be observed to be a plan view:



In making the rejection based on Foley, the Office Action referenced 14 in Foley as a partition. As stated in Foley at column 2, lines 21-22, however, item 14 is not a wall. It is a ceiling:

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In FIGURE 2 the device 10 is shown in side elevation suspended from a ceiling 14.

The Office Action cannot both define a “partition” as an interior dividing wall and then reference a ceiling as a partition. A ceiling is not a wall. A wall is not a ceiling. Since the definition of “partition” as an interior dividing wall is correct, the reference to the ceiling 14 in Foley is in error, and the rejection of claims as anticipated by Foley is in error. Further, the rejected claims include a limitation that defines the referenced partition as including a generally vertical planar surface. A ceiling does not define a generally vertical planar surface, since ceilings are generally horizontal.

Once this point is recognized, the present limitations of the rejected claims can be seen to distinguish over Foley. In the claims, for example, a mounting member includes a flat mounting portion for attachment to the partition, and a means for attaching the flat mounting portion to the partition with the flat mounting portion disposed in a generally vertical position parallel to and adjacent the vertical planar surface of the partition when attached. Nothing in Foley corresponds to these limitations. There is also no offset support supporting a hanger generally parallel to the flat mounting portion and spaced laterally from the flat mounting portion and the respective partition surface. In Foley, 22 and 24 are not spaced “laterally” from plate 32. They are spaced vertically downward into the room from plate 32 and ceiling 14.

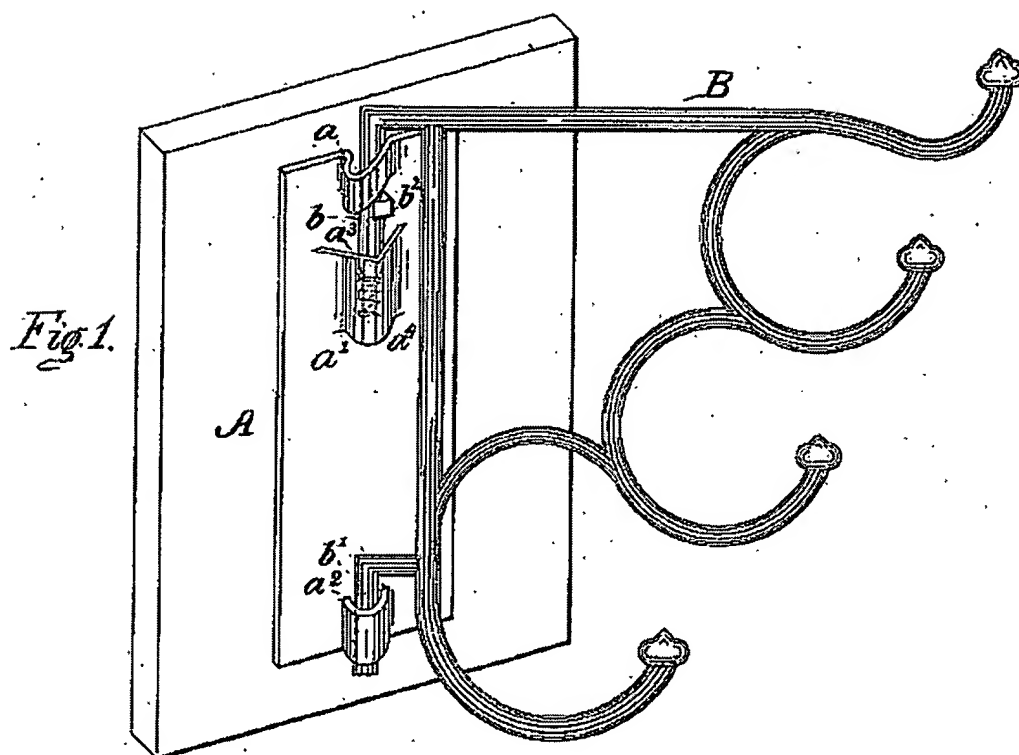
For the reasons that numerous claim limitations distinguish over Foley when Foley's ceiling mount is understood, withdrawal of the rejection of claims based on Foley is solicited.

To any extent the Office may consider responding by asserting the presence of suggestion in Foley for anything other than ceiling mounting of the Foley structure, the applicants asks that the Office state the location of the alleged suggestion by column and line number in Foley. Respectfully, the applicants assert no such citation is possible. The applicant finds nothing in Foley suggesting anything other than ceiling mounting. The references to ceiling mounting, including references to mounting over the patient bed, are at column 1, lines 10-15, and 43-60, 69-70, column 2, lines 7-22, 39-41, 49-50, 55, column 4 lines 1-2, 25, 47, column 5, line 5, and column 6, lines 5 and 7. Of course, the Office may not read the suggestions of the application under consideration into the prior art.

### **The Rejections Based on Hastings**

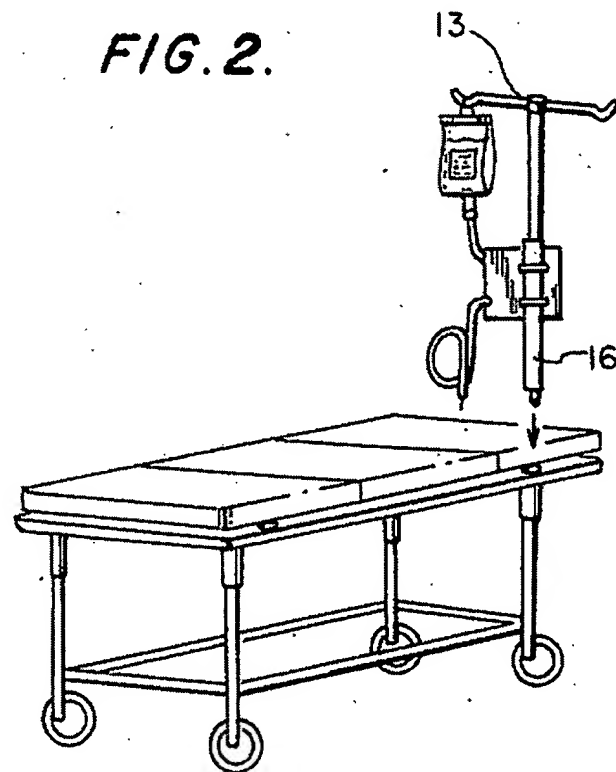
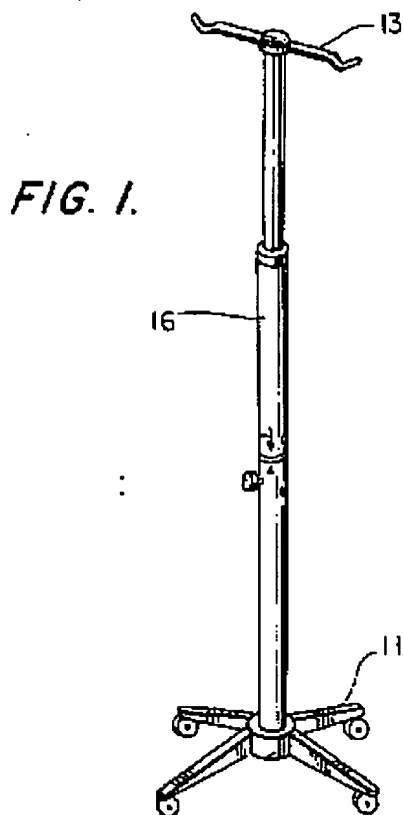
In making the rejections based on Hastings, the Office Action relies on a coat-hanging bracket. Hastings describes his bracket as providing for hanging garments at column 2, lines 90-97 in discussing that the Hastings invention prevents bracket breakage:

My invention serves to prevent the frequent 90  
breakage of wall-brackets by the sudden seiz-  
ure of the bracket to hang a garment thereon,  
and when the garment is attached to the  
bracket the weight of the bracket throws the  
bracket into a notch or against a locking 95  
shoulder and holds it in a fixed position from  
which it may be safely moved.



The nature of the bracket in Hastings can be readily seen in Hastings figure 1, as adjacent this text. Respectfully, the claims also include numerous limitations that distinguish over Hastings. First, the claimed subject is not a coat hanger or other garment bracket, or even a general purpose bracket. Instead, the claim is directed to an intravenous infusion equipment hanger. The age of Hastings may be irrelevant to the extent that Hastings is a prior patent even if old, but another aspect of the age of Hastings is important in that nothing in the art indicates that any bracket as shown in Hastings or similar coat hanger arts has found application in the intravenous infusion equipment arts. For example, nothing in Foley indicates any application of any wall-mount bracket in the intravenous infusion equipment arts. Instead, in Foley, the intravenous infusion

equipment arts turn to a ceiling mount hanger. Further, in Beganich U.S. Patent No. 4,725,027, disclosed in an accompanying Information Disclosure Statement, the intravenous infusion equipment arts turn to a pole mount that is transferable between a pedestal mount and a bed mount, as shown adjacent this text.



Respectfully, the Office may not ignore the claims' limitation of themselves to "intravenous infusion equipment hanger assembl[ies]." The claims do not direct themselves to a general purpose bracket, state an intended use, and then never refer to the use in the bodies of the claims. Instead, the claims direct themselves to a specific type of assembly – an intravenous infusion equipment hanger assembly, and they refer to

intravenous infusion equipment multiple times in the claim bodies. Accordingly, the preambles of the claims are important limitations of the claims, which must be respected.

Further, referring again to the figure from Hastings above, the claims include numerous limitations in the bodies of the claims that distinguish over Hastings. For example, the hanger of the claims includes an elongated pole. There is no elongated pole in Hastings. Nothing in Hastings can be fairly be considered a “pole.” The Office cannot ignore that the Hastings bracket is for coats, and no part of Hastings is more than a few inches high or wide. Nothing of that size in the Hastings bracket could fairly be considered a “pole.” And nothing in Hastings can be considered “elongated” relative to anything else in Hastings or the claimed subject matter and claimed environment of mounting members, hangers and intravenous infusion equipment. Nothing that could even be argued to be a “pole” in Hastings is “elongated” relative to a mounting member, hanger or intravenous infusion equipment.

With the lack of an elongated pole perceived, the absence of other limitations can be perceived. There is no offset support that engages and extends laterally from a pole. There is nothing supporting a pole. There is nothing to accommodate mounting, use and removal of intravenous infusion equipment on a pole.

As to obviousness, the Office cited Hastings alone in asserting a rejection based on obviousness. With the deficiencies of Hastings under 35 U.S.C. 102(b), and the absence of any other reference cited as to obviousness, the rejection for obviousness cannot be supported for the same reasons the rejection for anticipation cannot be supported.

Further, as the Office may see, the art of intravenous infusion equipment supports is an art of very slow advance and very low ordinary skill. This is shown in part from the Office needing to cite a coat-hanging bracket from 1886 to support a rejection of claims. It is also shown from the nature and dating of Foley and Beganich. In 1962, Foley and the Office correctly considered Foley's ceiling mounted suspension device to be an inventive advance in the art, and twenty-six years later in 1988, the Office and Beganich correctly considered the pole-latching support to be an inventive advance. As apparent, the Office and inventors being correct, the ordinary skill in intravenous infusion equipment supports is low and the art is slow in advancing.

The inventors here have provided valuable advances that are carefully claimed and are finding an excellent reception commercially. A brochure of the start-up company associated with the inventors is enclosed for reference.

#### **Conclusion as to the Rejections**

The rejections over Foley and Hastings cannot be sustained. Numerous claim limitations express differences between the claimed subject matter on the one hand and Foley and Hastings on the other. These include numerous limitations expressing aspects of structure associated with attachment to partitions and utilizing elongated poles. For all the stated reasons, the stated rejections should be reconsidered and withdrawn.

#### **Objection to the Drawing**

Finally, the Office objects to the drawings. The applicants will submit proposed changes to the drawing and formal drawings no later than the payment of the issue fee, and asks the Office to hold the drawing objections in abeyance for now.

Respectfully Submitted,

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